IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.4042 OF 2001
IN
FIRST APPEAL NO.1064 OF 1989

Ramchandra K. Chimane & Ors. .... Applicants
Vs.
State of Maharashtra .... Respondent

Shri F.A. Mulla for the Applicants.

Shri S.V. More, AGP, for the Respondent.

CORAM: R.M.S. KHANDEPARKAR &
ANOOP V. MOHTA, JJ.

DATED: JUNE 21, 2005

P.C:

Heard. The present application is filed seeking leave to amend the memo of the appeal to claim additional enhanced compensation at the rate of Rs.60/- per sq.metre and secondly leave to lead further evidence in the form of judgments and awards which are mentioned in para 3 of the application.

As far as the relief of amendment to claim enhanced compensation is concerned, undisputedly the Notification for acquisition was issued in the year 1970. Being so, the same was prior to the amendment to the Land Acquisition Act, 1894, prior to the year of 1984 and therefore the compensation which can be claimed has to be in consonance with the claim put forth in reply to the notice under Section 9 of the said Act and

therefore the question of allowing the applicants to amend the claim or to allow them to claim additional enhanced compensation does not arise at this stage. Being so, the prayer to claim enhanced compensation cannot be entertained.

As regards the leave to lead additional evidence, the applicants are allowed to place on record the certified copies of the judgments and awards enlisted in para 3 of the application on record. The admissibility of those documents as well as the consideration thereof for the purpose of considering the claim for enhancement would be considered at the time of final hearing of the appeal. The application accordingly stands disposed of.

(R.M.S. Khandeparkar, J.)

(Anoop V. Mohta, J.)